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ATTORNEY AT LAW

September 27, 2021

Honorable Jesse M. Furman
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: United States v. John Matera, 02-CR-743 (JMF)

Dear Judge Furman:

John Matera submits this letter to request that the Court issue a non-binding judicial recommendation that the Bureau of Prisons (“BOP”) place Matera in a residential reentry center, or halfway house, for twelve months preceding the completion of his sentence of incarceration. The government has indicated that it does not object to Matera’s request.

Pursuant to 18 U.S.C. § 3624(c), the BOP “shall . . . ensure that a prisoner serving a term of imprisonment spends a portion of the final months of that term (not to exceed 12 months), under conditions that will afford that prisoner a reasonable opportunity to adjust to and prepare for the reentry of that prisoner into the community.” 18 U.S.C. § 3624(c)(1). While “the BOP has the authority and discretion to designate the facilities at which prisoners serve their sentences,” it has been recognized that the “BOP is amenable to requests from sentencing judges.” *United States v. Musumeci*, 2020 U.S. Dist. LEXIS 9075, *2 (S.D.N.Y. Jan. 15, 2020) (recommending that BOP designate defendant to serve remainder of custodial sentence in halfway house); *see also United States v. Cardona*, 2009 U.S. Dist. LEXIS 93797, *3 (D. Conn. Oct. 5, 2009) (recommending that defendant serve final six months of sentence in halfway house).

Matera’s projected release date is June 8, 2023. Accordingly, he is eligible for placement in a halfway house on or about June 8, 2022. 18 U.S.C. § 3624(c)(1).

Matera has been in BOP custody since February 1999, when, at the age of 28, he was arrested in *United States v. Matera*, 99-CR-160 (E.D.N.Y.). In the Eastern District action, Matera received a sentence of 97 months imprisonment. *Id.* While serving that sentence, in April 2003, Matera was indicted in the above-referenced matter, which resulted in a sentence of 240 months imprisonment to run consecutive to his sentence in the Eastern District action. Thus, now, at the age of 51, after serving more than two decades in prison—effectively half of his life to date—Matera is a mature adult preparing to return to a world that has evolved considerably since he was last free.

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As reflected in the attached BOP records, Matera has utilized his time in custody to ready himself for his release. Exhibit A, Program Certificates. He has completed the Resolve Program, which is an intensive “cognitive-behavioral program.”¹ The 40-week program includes skills training, Dialectical Behavioral Therapy, Cognitive Processing Therapy, and a skills maintenance group. *Id.* His participation in this program has enabled him to develop coping techniques that have facilitated a healthier decision-making process and stress management skills.

In addition to the intensive Resolve Program, Matera has completed multiple programs in nutrition, fitness, anger management, and parenting, as well as educational coursework in mathematics, business, history, Spanish, writing, Hebrew, marketing, real estate, and financial management. Unfortunately, the pandemic has reduced Matera’s access to programing and any attendant benefits for which he may have been eligible under the First Step Act.

Upon his release, Matera will return to a supportive environment that includes his aging mother, a brother, and his fiancée, in addition to numerous friends who have stood by him these many years. He is also eager to reconnect with his two children who are now adults. Matera also has employment in place as an account manager at Ridge Capital.

Notwithstanding his eagerness to return to his home, he is not without apprehension. Matera recognizes that the world has changed considerably since 1999 and he believes that he would benefit from an extended transition period to enable him to adapt to the changed environment to which he will return.

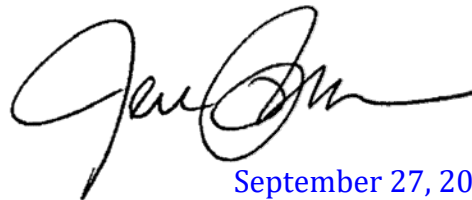
In light of the above, and absent an objection from the government, Matera respectfully requests that the Court recommend to the BOP that Matera be designated to a residential reentry center for 12 months.

Respectfully,

s/Seth Ginsberg

cc: Government Counsel (via ECF)

The Court defers to the BOP with respect to the appropriate placement for Mr. Matera as it is in a better position than the undersigned (who did not even sentence Mr. Matera) to evaluate the best fit. That said, the Court certainly agrees that steps should be taken to ensure that Mr. Matera is provided appropriate assistance as he makes the transition to life out of custody. The Clerk of Court is directed to terminate ECF No. 477. SO ORDERED.



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¹https://www.bop.gov/inmates/custody_and_care/docs/20170518_BOPNationalProgramCatalog.pdf